

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

NORDAQ ENERGY, INC.,

Plaintiff(s),

vs.

PAUL DEVINE,

Defendant(s).

Case No. 3:16-cv-00267-JWS

**ORDER RE MOTION TO DISMISS**

This matter having recently come before this Court,

IT IS ORDERED that a motion pursuant to Fed. R. Civ. P. 12(b) is discouraged if the defect can be cured by filing an amended pleading. Therefore, the parties must meet and confer prior to the filing of a motion to dismiss to determine whether it can be avoided. Consequently, motions to dismiss must be accompanied by a notice of certification of conferral indicating that the parties have conferred to determine whether an amendment could cure a deficient pleading, and have been unable to agree that the pleading is curable by a permissible amendment. Motions to dismiss that do not contain the required certification are subject to being stricken on the Court's motion.

IT IS FURTHER ORDERED that Plaintiff(s) serve a copy of this Order upon any Defendant(s) that has not yet appeared and file notice of such service.

DATED this 1st day of December, 2016.

/s/ JOHN W. SEDWICK  
SENIOR UNITED STATES DISTRICT JUDGE